

**MINUTES
CITY OF LAKE WORTH BEACH
REGULAR CITY COMMISSION MEETING
CITY HALL COMMISSION CHAMBER
TUESDAY, NOVEMBER 16, 2021 - 6:00 PM**

The meeting was called to order by Mayor Resch on the above date at 6:00 PM in the City Commission Chamber located at City Hall, 7 North Dixie Highway, Lake Worth Beach, Florida.

ROLL CALL: (0:12) Present were Mayor Betty Resch; Vice Mayor Herman Robinson and Commissioners Sarah Malega, Christopher McVoy and Kimberly Stokes. Also present were Interim City Manager Juan Ruiz, City Attorney Christy L. Goddeau and City Clerk Melissa Ann Coyne.

INVOCATION OR MOMENT OF SILENCE: (0:29) led by Vice Mayor Herman Robinson.

PLEDGE OF ALLEGIANCE: (0:56) led by Commissioner Christopher McVoy.

AGENDA - Additions/Deletions/Reordering: (1:25)

New Business J, Discussion regarding advisory boards and New Business K, Discussion regarding property at 821 S. Dixie Highway were added to the agenda.

Action: Motion made by Commissioner McVoy and seconded by Vice Mayor Robinson to approve the agenda as amended.

Vote: Voice vote showed: AYES: Mayor Resch, Vice Mayor Robinson and Commissioners Malega, McVoy and Stokes. NAYS: None.

PRESENTATIONS: there is no public comment on Presentation items)

A. House Appropriations Update by Richard Pinsky (2:09)

Action: Consensus for the City Attorney to craft a resolution in opposition to State bills contrary to Home Rule.

B. Mango Groves Neighborhood Association Presentation (17:44)

C. Proclamation recognizing 2021 Transgender Day of Remembrance (28:25)

D. Proclamation declaring November 27, 2021 as Small Business Day (30:27)

E. Proclamation declaring December 1, 2021 as World AIDS day (33:46)

COMMISSION LIAISON REPORTS AND COMMENTS: (39:08)

PUBLIC PARTICIPATION OF NON-AGENDAED ITEMS AND CONSENT AGENDA:

APPROVAL OF MINUTES: (48:46)

Action: Motion made by Commissioner Malega and seconded by Commissioner McVoy to approve the following minutes:

A. Work Session - October 21, 2021

Vote: Voice vote showed: AYES: Mayor Resch, Vice Mayor Robinson and Commissioners Malega, McVoy and Stokes. NAYS: None.

CONSENT AGENDA: (49:10) (public comment allowed during Public Participation of Non-Agendaed items)

Action: Motion made by Commissioner Stokes and seconded by Vice Mayor Robinson to approve the Consent Agenda:

A. Resolution No. 82-2021 – authorizing the execution of a Library Services and Technology Act (LSTA) grant award

B. Accept and Approve the Parking Revenue Audit Report

Vote: Voice vote showed: AYES: Mayor Resch, Vice Mayor Robinson and Commissioners Malega, McVoy and Stokes. NAYS: None.

PUBLIC HEARINGS: (49:23)

A. Ordinance No. 2021-13 and Ordinance No. 2021-14 – Second Reading – amending the Future Land Use Map (FLUM) amendment (Ordinance 2021-13) and the Zoning Map (Ordinance 2021-14) on behalf of the PBC School District as follows: (1) a FLUM amendment from the Single Family Residential (SFR) FLU to the Public (P) FLU; and (2) a rezoning from the Single-Family Residential (SF-R) zoning district to the Public (P) zoning district on properties located at 1509 Barton Road, 1511 Barton Road, 1515 Barton Road, and 1421 Barton Road (53:00)

City Attorney Goddeau read the ordinances by title only.

ORDINANCE NO 2021-13 OF THE CITY OF LAKE WORTH BEACH, FLORIDA AMENDING THE CITY'S COMPREHENSIVE PLAN FUTURE LAND USE MAP THROUGH A SMALL SCALE MAP AMENDMENT FROM THE FUTURE LAND USE (FLU) DESIGNATION OF SINGLE FAMILY RESIDENTIAL (SFR) TO THE PUBLIC (P) FLU DESIGNATION ON PROPERTIES GENERALLY LOCATED AT THE NORTHWEST CORNER OF BARTON ROAD AND 16TH AVE SOUTH AT 1509 BARTON ROAD, 1511 BARTON ROAD, 1515 BARTON ROAD, AND 1421 BARTON ROAD AND MORE FULLY DESCRIBED IN EXHIBIT A; PROVIDING THAT CONFLICTING ORDINANCES ARE REPEALED; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

ORDINANCE NO. 2021-14 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING THE CITY'S OFFICIAL ZONING MAP FROM THE ZONING DISTRICT

OF SINGLE FAMILY – RESIDENTIAL (SF-R) TO PUBLIC (P) ON PROPERTIES GENERALLY LOCATED AT THE NORTHWEST CORNER OF BARTON ROAD AND 16TH AVE SOUTH AT 1509 BARTON ROAD, 1511 BARTON ROAD, 1515 BARTON ROAD, AND 1421 BARTON ROAD, AND AS MORE PARTICULARLY DESCRIBED IN EXHIBIT A; AND PROVIDED FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE

Action: Motion made by Commissioner Malega and seconded by Commissioner McVoy to approve Ordinance 2021-13 amending the Future Land Use Map on behalf of the PBC School District from the Single Family Residential (SFR) FLU to the Public (P) on properties located at 1509 Barton Road, 1511 Barton Road, 1515 Barton Road, and 1421 Barton Road.

Vote: Voice vote showed: AYES: Mayor Resch, Vice Mayor Robinson and Commissioners Malega, McVoy and Stokes. NAYS: None.

Action: Motion made by Commissioner Stokes and seconded by Vice Mayor Robinson to approve Ordinance 2021-14 amending the Zoning Map (Ordinance 2021-14) on behalf of the PBC School District rezoning from the Single-Family Residential (SF-R) zoning district to the Public (P) zoning district on properties located at 1509 Barton Road, 1511 Barton Road, 1515 Barton Road, and 1421 Barton Road.

Vote: Voice vote showed: AYES: Mayor Resch, Vice Mayor Robinson and Commissioners Malega, McVoy and Stokes. NAYS: None.

B. Ordinance 2021-09 - First Reading – Deletion of administrative appeals process to the City Commission for land development decisions (52:02)

City Attorney Goddeau read the ordinance by title only.

ORDINANCE 2021-09 - AN ORDINANCE OF THE CITY OF LAKE WORTH BEACH, FLORIDA, REMOVING THE CITY COMMISSION AS THE ADMINISTRATIVE APPELLATE AUTHORITY FOR LAND DEVELOPMENT REGULATION DECISIONS MADE BY THE HISTORIC RESOURCES PRESERVATION BOARD AND PLANNING AND ZONING BOARD BY AMENDING CHAPTER 23 “LAND DEVELOPMENT REGULATIONS,” ARTICLE 2, “ADMINISTRATION,” DIVISION 1, “SUPPLEMENTAL REGULATIONS,” DIVISION 1, “DECISIONMAKERS,” SECTIONS 23.2-1, 23.2-7, 23.2-8, AND 23.2-9; DIVISION 2, “PROCEDURES,” SECTIONS 23.2-15, 23.2-16, AND 23.2-17; DIVISION 3, “PERMITS,” SECTIONS 23.2-27, 23.2-29, 23.2-30; ARTICLE 5, “SUPPLEMENTAL REGULATIONS,” SECTION 23.5-1 AND 23.5-4; PROVIDING FOR SEVERABILITY, THE REPEAL OF LAWS IN CONFLICT, CODIFICATION, AND AN EFFECTIVE DATE

Action: Motion made by Commissioner Malega and seconded by Vice Mayor Robinson to approve Ordinance 2021-09 on first reading and set the second reading and public hearing for December 7, 2021.

Vote: Voice vote showed: AYES: Vice Mayor Robinson and Commissioner Malega. NAYS: Mayor Resch, and Commissioners McVoy and Stokes. **MOTION FAILED.**

Ordinance No. 2021-21 – Second Reading – Ballot language to allow a candidate to concede without forcing a run-off election. (1:35:22)

City Attorney Goddeau read the ordinance by title only.

ORDINANCE NO. 2021-21 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, CALLING FOR A REFERENDUM OF THE QUALIFIED ELECTORS OF THE CITY OF LAKE WORTH BEACH TO BE HELD ON MARCH 8, 2022, AS TO WHETHER SECTION 4 OF ARTICLE V OF THE CITY OF LAKE WORTH BEACH CHARTER SHALL BE AMENDED TO PROVIDE A CANDIDATE WHO QUALIFIES FOR A RUN-OFF ELECTION THE OPTION OF CONCEDED THE RUN-OFF ELECTION WITHIN A TIME CERTAIN; PROVIDING FOR NOTICE AND ADVERTISING OF THE REFERENDUM; PROVIDING FOR REFERENDUM CANVASSING; PROVIDING FOR SEVERABILITY, CODIFICATION, REPEAL OF ALL CONFLICTING LAWS AND AN EFFECTIVE DATE

Action: Motion made by Commissioner McVoy and seconded by Vice Mayor Robinson to approve Ordinance 2021-21 allowing a candidate to concede without forcing a run-off election.

Vote: Voice vote showed: AYES: Mayor Resch, Vice Mayor Robinson and Commissioners Malega, McVoy and Stokes. NAYS: None.

C. Ordinance No. 2021-22 – Second Reading – Ballot language for changing to single-member district voting, with the mayor remaining at-large (1:39:15)

City Attorney Goddeau read the ordinance by title only.

ORDINANCE NO. 2021-22 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, CALLING FOR A REFERENDUM OF THE QUALIFIED ELECTORS OF THE CITY OF LAKE WORTH BEACH TO BE HELD ON MARCH 8, 2022, AS TO WHETHER SECTION 1 OF ARTICLE III OF THE CITY OF LAKE WORTH BEACH CHARTER SHALL BE AMENDED TO PROVIDE FOR SINGLE-MEMBER DISTRICT VOTING WHEREIN EACH COMMISSIONER SHALL BE ELECTED BY THE ELECTORS RESIDING IN HIS OR HER OWN DISTRICT AND WITH THE MAYOR CONTINUING TO BE ELECTED BY THE ELECTORS OF THE CITY-AT-LARGE; PROVIDING FOR NOTICE AND ADVERTISING OF THE REFERENDUM; PROVIDING FOR REFERENDUM CANVASSING; PROVIDING FOR SEVERABILITY, CODIFICATION, REPEAL OF ALL CONFLICTING LAWS AND AN EFFECTIVE DATE

Action: Motion made by Vice Mayor Robinson and seconded by Commissioner Malega to approve Ordinance 2021-22 changing to single-member district voting, with the mayor remaining at-large.

Vote: Voice vote showed: AYES: Mayor Resch, Vice Mayor Robinson and Commissioners Malega and Stokes. NAYS: Commissioner McVoy.

D. Ordinance No. 2021-24 – Second Reading – Ballot language regarding the filling of commission vacancies (1:51:36)

City Attorney Goddeau read the ordinance by title only.

ORDINANCE NO. 2021-24 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, CALLING FOR A REFERENDUM OF THE QUALIFIED ELECTORS OF THE CITY OF LAKE WORTH BEACH TO BE HELD ON MARCH 8, 2022, AS TO WHETHER SECTION 5 OF ARTICLE III OF THE CITY OF LAKE WORTH BEACH CHARTER SHALL BE AMENDED TO PROVIDE THAT A VACANCY ON THE CITY COMMISSION, WHEN THERE ARE LESS THAN SIX MONTHS REMAINING IN THE UNEXPIRED TERM OR LESS THAN SIX MONTHS BEFORE THE NEXT REGULAR CITY ELECTION, SHALL BE FILLED BY THE REMAINING MEMBERS NO LATER THAN 24 HOURS PRIOR TO THE OPENING OF THE QUALIFYING PERIOD; PROVIDING FOR NOTICE AND ADVERTISING OF THE REFERENDUM; PROVIDING FOR REFERENDUM CANVASSING; PROVIDING FOR SEVERABILITY, CODIFICATION, REPEAL OF ALL CONFLICTING LAWS AND AN EFFECTIVE DATE

Action: Motion made by Commissioner McVoy and seconded by Commissioner Malega to approve Ordinance 2021-24 setting the filling of commission vacancies to occur no later than 24 hours prior to the beginning of qualifying.

Vote: Voice vote showed: AYES: Mayor Resch, Vice Mayor Robinson and Commissioners Malega, McVoy and Stokes. NAYS: None.

UNFINISHED BUSINESS: (1:52:48)

- A. Discussion regarding a traffic calming policy (1:54:32)
- B. Resolution No. 83-2021 – Fiscal Year 2022 operating budget amendment providing \$50,000 from the American Rescue Plan Act of 2021 Coronavirus State and Local Fiscal Recovery Funds to support a partnership with the Legal Aid Society of PBC, Inc. (2:24:00)

City Attorney Goddeau did not read the resolution.

RESOLUTION NO. 83-2021, SECOND BUDGET AMENDMENT OF THE CITY OF LAKE WORTH BEACH, A MUNICIPAL CORPORATION OF THE STATE OF FLORIDA, MAKING SEPARATE AND SEVERAL BUDGET AMENDMENTS AND CORRESPONDING APPROPRIATIONS FOR THE CITY'S NECESSARY OPERATING EXPENSES, THE USES AND EXPENSES OF THE VARIOUS FUNDS AND DEPARTMENTS OF THE CITY FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021 AND ENDING SEPTEMBER 30, 2022; AND PROVIDING FOR AN EFFECTIVE DATE

Action: Motion made by Commissioner McVoy and seconded by Commissioner Stokes to approve Resolution No. 83-2021 appropriating \$50,000 from the ARPA Funds to support a partnership with the Legal Aid Society of PBC.

Vote: Voice vote showed: AYES: Mayor Resch, Vice Mayor Robinson and Commissioners Malega, McVoy and Stokes. NAYS: None.

- C. Ordinance No. 2021-20 – First Reading – Ballot language for setting term limits of two consecutive terms for a given seat by referendum on March 8, 2022 (2:25:17)

City Attorney Goddeau read the ordinance by title only.

ORDINANCE NO. 2021-20 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, CALLING FOR A REFERENDUM OF THE QUALIFIED ELECTORS OF THE CITY OF LAKE WORTH BEACH TO BE HELD ON MARCH 8, 2022, AS TO WHETHER SECTION 2 OF ARTICLE III OF THE CITY OF LAKE WORTH BEACH CHARTER SHALL BE AMENDED TO PROVIDE TERM LIMITS FOR THE POSITIONS OF MAYOR AND COMMISSIONER; PROVIDING FOR NOTICE AND ADVERTISING OF THE REFERENDUM; PROVIDING FOR REFERENDUM CANVASSING; PROVIDING FOR SEVERABILITY, CODIFICATION, REPEAL OF ALL CONFLICTING LAWS AND AN EFFECTIVE DATE

Action: Motion made by Commissioner Malega and seconded by Commissioner Stokes to approve Ordinance No. 2021-20 on first reading and set the second reading and public hearing for December 7, 2021.

Vote: Voice vote showed: AYES: Mayor Resch, Vice Mayor Robinson and Commissioners Malega and Stokes. NAYS: None. ABSENT: Commissioner McVoy.

The meeting recessed at 8:26 PM and reconvened at 8:36 PM.

NEW BUSINESS: (2:35:40)

A. Purchase authorization for Quicklime from Lhoist North America of Alabama, LLC for the Water Treatment Plant (2:35:47)

Action: Motion made by Commissioner McVoy and seconded by Commissioner Malega to approve the purchase authorization for Quicklime from Lhoist North America of Alabama, LLC for the Water Treatment Plant.

Vote: Voice vote showed: AYES: Mayor Resch, Vice Mayor Robinson and Commissioners Malega, McVoy and Stokes. NAYS: None.

B. First Amendment to Agreement with Allied Universal Corporation to purchase Sodium Hypochlorite (Bleach) for water treatment and odor control (2:36:15)

Action: Motion made by Commissioner Malega and seconded by Commissioner McVoy to approve the First Amendment to Agreement with Allied Universal Corporation to purchase Sodium Hypochlorite (Bleach) for water treatment and odor control.

Vote: Voice vote showed: AYES: Mayor Resch, Vice Mayor Robinson and Commissioners Malega, McVoy and Stokes. NAYS: None.

C. Agreement with Odyssey Manufacturing Co. to purchase 50% Caustic Soda for water treatment and odor control (2:36:50)

Action: Motion made by Commissioner Stokes and seconded by Vice Mayor Robinson to approve the agreement with Odyssey Manufacturing Co. to purchase 50% Caustic Soda for water treatment and odor control.

Vote: Voice vote showed: AYES: Mayor Resch, Vice Mayor Robinson and Commissioners Malega, McVoy and Stokes. NAYS: None.

- D. Work Order #2 and Second Amendment with B&B Underground Construction, Inc. for emergency sewer main repair (2:37:25)

Action: Motion made by Commissioner Stokes and seconded by Vice Mayor Robinson to ratify Work Order #2 and the Second Amendment with B&B Underground Construction, Inc. for emergency sewer main repair.

Vote: Voice vote showed: AYES: Mayor Resch, Vice Mayor Robinson and Commissioners Malega, McVoy and Stokes. NAYS: None.

- E. Purchase Order with Alan Jay Fleet Sales for the procurement of fleet replacement vehicles (2:38:25)

Action: Motion made by Commissioner Malega and seconded by Commissioner McVoy to approve the Purchase Order with Alan Jay Fleet Sales for the procurement of fleet replacement vehicles.

Vote: Voice vote showed: AYES: Mayor Resch, Vice Mayor Robinson and Commissioners Malega, McVoy and Stokes. NAYS: None.

- F. Purchase Order with Nextran Truck for the procurement of a new Front Load Garbage Truck (2:39:38)

Action: Motion made by Commissioner Malega and seconded by Commissioner McVoy to approve the Purchase Order with Nextran Truck for the procurement of a new Front Load Garbage Truck.

Vote: Voice vote showed: AYES: Mayor Resch, Vice Mayor Robinson and Commissioners Malega, McVoy and Stokes. NAYS: None.

- G. Purchase Order with Orlando Freightliner for the procurement of a new Rear Steer Garbage Truck (2:40:36)

Action: Motion made by Vice Mayor Robinson and seconded by Commissioner Stokes to approve the Purchase Order with Orlando Freightliner for the procurement of a new Rear Steer Garbage Truck.

Vote: Voice vote showed: AYES: Mayor Resch, Vice Mayor Robinson and Commissioners Malega, McVoy and Stokes. NAYS: None.

- H. Resolution No. 84-2021 – FY 2022 Third Budget Amendment of the Five-Year Capital Plan to reflect the additional funding and appropriation for the Memorial Park Pavilion Renovation capital project (2:41:36)

City Attorney Goddeau did not read the resolution.

RESOLUTION NO. 84-2021, THIRD BUDGET AMENDMENT OF THE CITY OF LAKE WORTH BEACH, A MUNICIPAL CORPORATION OF THE STATE OF FLORIDA, MAKING SEPARATE AND SEVERAL BUDGET AMENDMENTS AND CORRESPONDING APPROPRIATIONS FOR THE CITY'S NECESSARY

OPERATING EXPENSES, THE USES AND EXPENSES OF THE VARIOUS FUNDS AND DEPARTMENTS OF THE CITY FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021 AND ENDING SEPTEMBER 30, 2022; AND PROVIDING FOR AN EFFECTIVE DATE

Action: Motion made by Commissioner Malega and seconded by Commissioner McVoy to approve Resolution No. 84-2021 – authorizing a budget amendment to increase the funding and expenditures for the Memorial Park Pavilion Renovation Project.

Vote: Voice vote showed: AYES: Mayor Resch, Vice Mayor Robinson and Commissioners Malega, McVoy and Stokes. NAYS: None.

I. Umdasch/DOKA Settlement (2:42:19)

Action: Motion made by Vice Mayor Robinson and seconded by Commissioner Stokes to approve the Settlement Agreement with Umdasch Real Estate USA, LTD. Corp. (Doka Development) with the following three amendments: business outdoors to end at 6:30 PM, the entire wall to be eight feet and providing results of the noise evaluation.

Vote: Voice vote showed: AYES: Mayor Resch, Vice Mayor Robinson and Commissioners Malega and Stokes. NAYS: Commissioner McVoy.

J. (added and reordered to New Business J from New Business K) Discussion regarding property at 821 S. Dixie Highway (3:31:31)

Action: Consensus to begin negotiations to purchase the property at 821 S. Dixie Highway and bring a term sheet to the next meeting.

Action: Motion made by Commissioner Stokes and seconded by Vice Mayor Robinson to extend the meeting until 11:00 PM.

Vote: Voice vote showed: AYES: Mayor Resch, Vice Mayor Robinson and Commissioners Malega, McVoy and Stokes. NAYS: None.

K. (added and reordered to New Business K from New Business J) Discussion regarding advisory boards (3:49:31)

Action: Consensus to have one-year board terms after which the board member could be reappointed or not with appointments on a quarterly basis and as needed, to bring a resolution to sunset the C-51 Canal Advisory Board as well as establish a new board with seven members to the next available meeting, to require financial disclosures from the Finance Advisory Board/Electric Utility Advisory Board/all boards, to set requirements to serve on the Recreation Advisory Board and to bring back suggestions to start a seven member Business Advisory Board.

CITY ATTORNEY'S REPORT:

City Attorney Goddeau did not provide a report.

CITY MANAGER'S REPORT:

Interim City Manager Ruiz did not provide a report.

UPCOMING MEETINGS AND WORK SESSIONS:

November 30 - electric utility
December 7 - regular meeting
December 21 - regular meeting

Draft Agenda - December 7, 2021

ADJOURNMENT: (4:36:23)

Action: Motion made by Commissioner McVoy and seconded by Commissioner Stokes to adjourn the meeting at 10:37 PM.

Vote: Voice vote showed: AYES: Mayor Resch, Vice Mayor Robinson and Commissioners Malega, McVoy and Stokes. NAYS: None.

Betty Resch, Mayor

ATTEST:

Melissa Ann Coyne, City Clerk

Minutes approved January 4, 2021.

Item time stamps refer to the recording of the meeting which is available on YouTube.